

FILED

JAN 25 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General
LESLIE A. BURGERMYER
Deputy Attorney General
State Bar No. 117576
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5337
Facsimile: (916) 327-8643
Attorneys for Complainant

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT-2010-4298

STEVEN RALPH COLWELL
637 W. Hammond Avenue, Apt. B
Fresno, CA 93728

A C C U S A T I O N

Psychiatric Technician License No. PT 22969

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about October 14, 1983, the Board issued Psychiatric Technician License Number PT 22969 to Steven Ralph Colwell ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein. The license expired on May 31, 2012.

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JURISDICTION

3. Business and Professions Code ("Code") section 4520 states:

Every licensed psychiatric technician under this chapter may be disciplined as provided in this article. The disciplinary proceedings shall be conducted by the board in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

4. Code section 4545 states, in pertinent part, that the Board may renew an expired license at any time within four years after the expiration.

5. Code section 118(b) provides:

The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

STATUTORY PROVISIONS

6. Code section 4521 states, in pertinent part:

The board may suspend or revoke a license issued under this chapter for any of the following reasons:

(a) Unprofessional conduct, which includes, but is not limited to, any of the following:

(4) Obtain or possess in violation of law, or prescribe, or, except as directed by a licensed physician and surgeon, dentist, or podiatrist, administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug as defined in Section 4022.

(5) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **DRUG**

4 9. **Phencyclidine**, more commonly known as "PCP," is a Schedule II controlled
5 substance pursuant to Health and Safety Code section 11055, subdivision (e)(3)(A).

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Possessed and Self-Administered a Controlled Substance)**

8 10. Respondent is subject to discipline under Code section 4521, subdivision (a), on the
9 grounds of unprofessional conduct as defined in Code section 4521, subdivision (a)(4), in that on
10 or about April 16, 2011, while on duty as a licensed psychiatric technician at Crestwood Behavior
11 Health, Inc., located in Fresno, California, Respondent did the following:

12 a. Respondent possessed PCP, a controlled substance, in violation of Code section
13 4060, in that Respondent did not have a prescription for that controlled substance.

14 b. Respondent self-administered PCP, a controlled substance, without lawful
15 direction from a licensed physician and surgeon, dentist, or podiatrist.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Use of a Controlled Substance)**

18 11. Respondent is subject to discipline under Code section 4521, subdivision (a), on the
19 grounds of unprofessional conduct as defined in Code section 4521, subdivision (a)(5), in that on
20 or about April 16, 2011, while on duty as a licensed psychiatric technician at Crestwood Behavior
21 Health, Inc., located in Fresno, California, Respondent used PCP, a controlled substance, to an
22 extent or in a manner dangerous or injurious to himself, any other person, or the public, or to the
23 extent that such use impaired his ability to conduct with safety to the public the practice
24 authorized by this license.

25 **PRAYER**

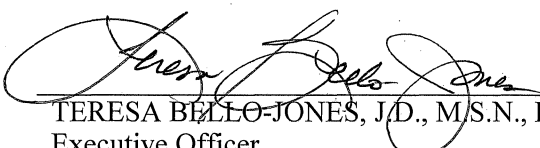
26 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
27 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
28 Technicians issue a decision:

- 1 1. Revoking or suspending Psychiatric Technician License Number PT 22969, issued
- 2 to Steven Ralph Colwell;
- 3 2. Ordering Steven Ralph Colwell to pay the Board of Vocational Nursing and
- 4 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
- 5 pursuant to Business and Professions Code section 125.3; and,
- 6 3. Taking such other and further action as deemed necessary and proper.

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9 DATED: **JAN 25 2013**


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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